European Commission against Racism and Intolerance

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ECRI CONCLUSIONS ON THE IMPLEMENTATION OF THE RECOMMENDATIONS IN RESPECT OF BOSNIA AND HERZEGOVINA SUBJECT TO INTERIM FOLLOW-UP

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[1] Unless otherwise indicated, this analysis does not take into account any developments that occurred after 25 March 2026, the date on which the response of the authorities of Bosnia and Herzegovina to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

ECRI Secretariat
Directorate General of Democracy and Human Dignity
Council of Europe
F - 67075 STRASBOURG Cedex
Tel.: +33 (0) 390 21 46 62
E-mail: ecri@coe.int

www.coe.int/ecri
@ECRI_CoE

FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018,[1] not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

[1] CM/Del/Dec(2018)1316/4.1; CM(2018)62-add10.

1) In its report on Bosnia and Herzegovina (sixth monitoring cycle) published on 25 June 2024, ECRI reiterated its recommendation that the authorities end all forms of discrimination in education, including the segregation in "two schools under one roof" in cantons of the Federation of Bosnia and Herzegovina and non-inclusive school environments in the Republika Srpska.

ECRI notes that the authorities have reported a number of initiatives aimed at promoting inclusive education, including the adoption of policy recommendations and roadmaps, participation in joint European Union/Council of Europe programmes, curriculum development efforts, and targeted measures at cantonal level to support groups vulnerable to discrimination, including Roma children. ECRI also takes note of certain measures taken at local level to improve access to education and to promote human rights and democratic culture in schools.

While acknowledging these initiatives, ECRI observes that they remain limited in scope, fragmented and largely project-based, and have been implemented unevenly across the country. They do not form part of a comprehensive, coordinated and enforceable framework capable of effectively eliminating discrimination in education.

In particular, ECRI notes with concern that the practice of "two schools under one roof" continues to exist in several cantons of the Federation of Bosnia and Herzegovina. According to information received by ECRI, this form of segregation has not been effectively abolished, despite binding domestic court decisions finding such practices discriminatory. ECRI further observes that a certain reduction in the number of such schools appears to be attributable primarily to demographic developments rather than to sustained and targeted action by the authorities.[1]

Furthermore, ECRI notes that significant challenges reportedly persist with regard to the inclusiveness of the school environment in the Republika Srpska. These include disputes concerning the recognition of language rights, insufficiently inclusive curricula and structural obstacles to fostering an educational environment conducive to inter-ethnic understanding.

Overall, ECRI considers that, while certain limited steps have been taken, these do not amount to tangible, systemic or sustainable progress towards eliminating segregation and other forms of discrimination in education. The structural nature of ethnic division in education therefore remains largely unchanged.

In light of the above, ECRI concludes that the recommendation has not been implemented.

2) In its report on Bosnia and Herzegovina (sixth monitoring cycle), ECRI recommended that the authorities take determined action to comply with the 2009 judgment of the European Court of Human Rights in the case of Sejdić and Finci v. Bosnia and Herzegovina.

ECRI recalls that, pursuant to Article 46 (§ 2) of the European Convention on Human Rights, the supervision of the execution of judgments of the European Court of Human Rights (ECtHR) lies with the Committee of Ministers of the Council of Europe. It is therefore not within ECRI's mandate to assess whether the judgment in the case of *Sejdić and Finci v. Bosnia and Herzegovina* has been formally executed. ECRI nevertheless assesses whether the authorities have taken concrete and determined steps to comply with the ECtHR judgment and to bring domestic legislation into line with its requirements.

ECRI received information from the authorities that certain steps have been taken since the adoption of its sixth report. In particular, a revised action plan for the execution of relevant ECtHR judgments was adopted in July 2025, and a working group was established in October 2025 to prepare draft amendments to the Constitution and the Election Law. ECRI was informed that the working group has been constituted and has held two meetings, during which

[1] The phenomenon of "two schools under one roof" no longer affects eight schools in the Central Bosnia Canton: as of the 2025/26 school year, four schools teaching in the Croatian language closed due to decreased enrolment. Therefore, the remaining four schools teaching in the Bosnian language are no longer considered "two schools under one roof".

its rules of procedure were adopted, the minutes of its first meeting were approved, and initial proposals were discussed. ECRI also notes that, in December 2025, members of the working group held consultations in Strasbourg with Council of Europe representatives and experts.

While taking note of these developments, ECRI observes that they remain limited and preparatory in nature and have not yielded any concrete results in terms of legislative or constitutional reform.

In this context, ECRI understands that, within the framework of the Committee of Ministers' supervision of the execution of this group of cases, the authorities were invited to submit updated information by 1 April 2026. By this date, however, no such information had been submitted, nor had proposals been transmitted to the experts appointed by the Committee of Ministers to support the reform process.[2]

ECRI notes with concern that, more than fifteen years after the ECtHR judgment in the case of *Sejdić and Finci*, the constitutional and electoral framework of Bosnia and Herzegovina remains unchanged and continues to exclude persons not belonging to the three constituent peoples from standing for election to key political institutions.[3] Information received by ECRI consistently indicates that no substantive progress has been achieved in addressing this issue.

In these circumstances, ECRI considers that, although a process towards the preparation of proposals for legal changes has begun, which is to be welcomed, the measures which ECRI was informed of are for the moment still largely procedural and can thus not yet be considered to amount to the determined action referred to in ECRI's recommendation.

ECRI concludes therefore that the recommendation has so far not been implemented.

[2] Committee of Ministers, Decisions adopted at the 1553rd meeting of the Ministers' Deputies (9-11 March 2026) (DH), *Sejdić and Finci group v. Bosnia and Herzegovina*, as well as related Committee of Ministers' Notes on the Agenda and Communication from the authorities.

[3] See the Committee of Ministers' Notes on the Agenda of the 1553rd meeting of the Ministers' Deputies on the judgments of the European Court of Human Rights in *Sejdić and Finci v. Bosnia and Herzegovina (2009)*, *Zornić v. Bosnia and Herzegovina (2014), Pilav v. Bosnia and Herzegovina (2016)* and *Pudarić v. Bosnia and Herzegovina (2020)*.